2482.

SUPREME COURT OF THE UNITED STATES.

No. 210.

THE UNITED STATES, APPELLANTS,

vs.

EDWARD W. CARRERE ET AL.

APPEAL FROM THE DISTRICT COURT, UNITED STATES, FOR THE EASTERN DISTRICT OF LOUISIANA.

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Gideon, Printer.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

United States district court.

EDWARD W. CARRERE et al.
vs.
THE UNITED STATES. } No. 60 of land causes.

Be it remembered, that, on the sixteenth day of June, A. D. 1846, Edward W. Carrere et al., by their attorneys and solicitors, J. W. Gurley and Thos. G. Morgan, came into the office of the clerk of said court, (then the U. S. district court, for the district of Louisiana,) and under the act of June 17th, 1844, there caused to be filed, in the words following, their

Petition, June 12th, 1846.

To the honorable the judge of the United States district court, in and for the district and State of Louisiana.

The petition of Edward W. Carrere, John Carrere, Augustus Carrere, R. Carrere Brent, Mrs. Theresa Carrere Mackenzie and her husband, John P. Mackenzie, Mrs. Frances E. Carrere Spear and her husband, William Spear, all majors, residing in the city of Baltimore, State of Maryland, respectfully represents, that they are the only legitimate descendants, the sole heirs, and legal representatives of John Carrere, late of the city and State aforesaid deceased; that at the decease of the said John Carrere he was the true and lawful owner and proprietor of a certain tract of land, containing about one hundred and two thousand three hundred and sixty arpens, lying on bayou Barthelemy, in the parish of Morehouse, Louisiana. That said tract of land is embraced in and forms portion of a grant or concession of twelve leagues square, legally made, granted, or issued by the proper authorities under the Spanish government, to wit, by the Baron de Carondelet, governor general of the province of Louisiana, then under the dominion of the Crown of Spain, by two several decrees, the first an order of survey to John Filhiol, the commandant of Ouachita, dated 21st June, 1795; and the other of date 20th June, 1796, giving and granting to the Baron de Bastrop, then a resident of said province, all that tract or body of land embraced in the aforesaid twelve leagues square, ascertained, located, fixed, and defined by metes and bounds, as marked and exhibited in the figured plan, marked A, hereto annexed as part of this petition; said decrees were made in compliance with a petition addressed by the Baron de Bastrop to the governor genernal of the province of Louisiana, dated at New Orleans, on the 20th June, 1795; all which will be made more clearly to appear on the trial of this cause. Which said grant, so made as aforesaid to the Baron de Bastrop, was protected and secured

by the treaty between the United States of America and the French Republic, concluded on the 30th April, 1803, and which might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States. Your petitioners suggest, that by reason of many untoward circumstances, the great distance from their place of residence, and the limited time allowed for the preparation and institution of their suit, they are unable to set forth with great precision the exact number of arpens by them claimed, and the metes and boundaries of the same; and they further suggest that the documents which will enable them to do this with exactness and certainty have already been forwarded and are daily expected. Your petitioners pray that this honorable court will see in the hardship and difficulties of their case sufficient ground for the exercise of its equity powers, and will allow them to remove by amendment, as soon as they obtain the necessary information, any uncertainty which may exist in relation to the precise extent and locality of their claim. Your petitioners are informed that the validity of the grant made as aforesaid to the Baron de Bastrop has been on several occasions partially examined into by boards of commissioners appointed for such purposes, and that some of said boards have reported favorably, and others unfavorably, of said grant. Petitioners represent that there are no persons in possession of any part or portion of the lands herein claimed by them, otherwise than by lease or permission of your petitioners; and they further represent, that the United States are the sole adverse claimants. Wherefore they pray that, in pursuance of an act of Congress, approved 26th May, 1824, entitled an act enabling claimants to lands within the limits of the State Missouri and Territory of Arkansas to institute proceeding to try the validity of their claims; "and of an act approved 17th June, 1844, entitled an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers;" the United States district attorney, in and for the State and district of Louisiana, may be cited to appear and answer on behalf of the United States the prayer of this petition; and that your honorable court will examine and inquire into the validity of the title and claims herein set forth by your petitioners, and that after due investigation they be adjudged and decreed good and valid against the United States of America. And your petitioners further pray for all such other and general relief as the law may allow, and the equity of their case require; and they will ever pray, &c., &c.

(Signed) THOMAS GIBBES MORGAN,
J. W. GURLEY, *Solicitors.*

Document A, (annexed to and made part of petition.)

[For plat, see original page 4.

And thereupon, on the sixteenth day of June, A. D. 1846, was issued from the clerk's office the following:

Citation.—June 16th, 1846.

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans, on the first Monday of July, 1846, then and there to answer a petition in chancery filed against the United States, wherein Edward W. Carrere et al. are petitioners, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this sixteenth day of June, New Orleans, 1846, and 70th year of American independence.

(Signed) L. E. SIMONDS,
Dy. clerk.

Mem.—The defendant is to enter an appearance in the above cause in the clerk's office, on or before the first Monday of July, 1846, otherwise the petition may be taken pro confesso.

Marshal's return on citation.

Received this 16th day of June, 1846, and on the same day served copies of the within citation, plaintiff's petition, and documents annexed, on the within named S. W. Downs, United States district attorney, in the manner following, to wit, in person, at New Orleans. Returned the same day.

(Signed) W. F. WAGNER,
U. S. marshal.

And afterwards, to wit, on the fifth day of November, A. D. 1846, the United States, defendants, appeared by their attorney, and filed the following:

Answer.—Nov. 5th, 1846.

In the district court of the United States, for the district of Louisiana.

HEIRS OF CARRERE
vs.
THE UNITED STATES.

The defendants now come, and for answer deny all and singular the facts and allegations in plantiff's petition contained.

Wherefore they pray that plaintiff's petition may be dismissed at their costs.

(Signed) THOMAS J. DURANT, *Atty.*

And afterwards, to wit, on the 15th February, 1849, re-appeared the plaintiffs, by their counsel, Thos. Gibbs Morgan and J. W. Gurley, and filed the following

Amended bill.

In the United States district court, in and for the State and district of Louisiana.

CARRERE et al.
vs.
THE UNITED STATES.

The complainants to the original bill filed in this case, now, with leave of court amending the same, file herewith the exhibits marked B and C, as setting forth particularly the boundaries of the lands by them claimed, and pray that the same may be taken as part of their bill, and pray as heretofore that they may be decreed to be lawful owners thereof.

(Signed) THOMAS GIBBS MORGAN,
J. W. GURLEY,
Solicitors for complainants.

Judge's order on the foregoing amended bill.

Let this amended bill and accompanying documents B and C be filed.

(Signed) THEO. H. McCALEB, *U. S. judge.*

And thereupon, on the same day, to wit, the 15th day of February, A. D. 1849, the documents referred to above were duly filed.

1°. *Document B.*

UNITED STATES OF AMERICA,
State of Maryland, to wit.

Be it known and remembered that, on the second day of January, in the year of our Lord one thousand eight hundred and eleven, and of the independence of the United States of America the thirty-fifth, before me, Samuel Sterett, notary public, by letters patent, and under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State aforesaid, personally came and appeared Louis Pascault, of the city of Baltimore aforesaid, merchant, and Mary, his wife, of the one part, and Henry Messonnier, of the said city, merchant, of the other part; and the said Louis Pascault and Mary, his wife, for and in consideration of the sum

of twenty-two thousand five hundred and sixty-nine dollars, money of the United States, to them in hand well and truly paid by the said Henry Messonnier, before me, the said notary, at the time of signing these presents, the receipt of which sum they do hereby acknowledge, have granted, bargained, sold, aliened, enfeoffed, released, conveyed, and confirmed, and by these presents do grant, bargain, sell, alien, enfeoff, release, convey, and confirm, unto said Henry Messonnier, his heirs and assigns forever, all that certain tract or parcel of land situate, lying, and being partly in the county of Ouachita, and territory of Orleans, and partly in the county of , in the district of Louisiana, the same being part of a grant of land known by the name of "Bastrop's large concession," in Ouachita aforesaid; and also part of the land lately granted and conveyed to Stephen Wante by Edward Livingston, esquire, of the city of New Orleans, and which part, hereby intended to be conveyed, is contained within the following metes and bounds, courses and distances, to wit: Beginning for the same at the beginning of the survey made by Henry Cassidy, deputy surveyor for the said Stephen Wante, the thirtieth day of November, eighteen hundred and eight, that is to say, beginning at a cypress tree, marked S. W. and D. W., standing on the southeast bank of the bayou Bertholomy, about seven miles by the meanders of the bayou above the north boundaries of the territory of Orleans, on the thirty-third degree of latitude; and running thence south thirty-eight degrees east, three hundred and forty-eight chains; thence south thirty-four degrees west, eight hundred and seventy chains, to a red oak at the end of the north thirty-three degrees west, one hundred and sixty chains, line of the said survey; thence bounding on the outlines thereof, south fifty-seven degrees west, one hundred chains and nineteen links, to a marked red oak, D. C., on the division line between Edward Livingston, esquire, and Colonel Abraham Morehouse; then with the said line, north thirty-three degrees west, three hundred and forty-nine chains and fifty links, to a red oak, the XXIII mile tree on the division line aforesaid; then by a survey made for Doctor Devizac, north fifty-seven degrees east, one hundred chains and eighty-nine links, to a white oak on the line of survey made for Philip L. Jones, esquire; then with his lines, south thirty-three degrees east, eighty four chains, north fifty-seven degrees east, one hundred and twenty-four chains, and north thirty-three degrees west, one hundred and fifty chains, to the west bank of the bayou Bertholomy; then down the said bayou to the letter A, on the line of said Devizac's survey; then with his line, north thirty-three degrees west, one hundred and six chains, to a gum, D. C.; then south fifty-seven degrees west, one hundred chains and nineteen links, to a gum standing on the aforesaid division line; then with it north thirty-three degrees west, one hundred chains, to a red oak marked W. M., at the letter B; then north sixty degrees east, two hundred and twelve chains, to a red oak tree; then east, forty-seven chains, to a large white oak marked S. W., at the letter C, on the southeast side of the bayou Bertholomy; then up the said bayou, with its meanders, as per field notes, to the place of beginning, contain-

ing forty-five thousand one hundred and thirty-eight arpens of land, French measure; together with all and singular the buildings, houses, out-houses, and other improvements thereupon erected and made, and all and singular the lanes, alleys, ways, roads, paths, passages, waters, streams, water-courses, woods, underwoods, mines, quarries, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, use, trust, possession, property, claim, and demand whatsoever, either at law or in equity, of the said Lewis Pascault and Mary, his wife, in and to the same. To have and to hold the said forty-five thousand one hundred and thirty-eight arpens of land above described, and hereby granted, bargained, and sold, or meant, mentioned, or intended so to be, and every part and parcel thereof, with all and singular the appurtenances unto him, the said Henry Messonnier, his heirs and assigns for ever, to his and their own proper use and behoof, and to, for, and upon none other use, trust, intent, or purpose whatsoever.

And be it also known and remembered, that, on the day and year first above mentioned, the said Lewis Pascault and Mary, his wife, before me, the said notary, did covenant, promise, declare, and agree, to and with the said Henry Messonnier, his heirs and assigns, that they, the said Lewis Pascault and Mary, his wife, and their respective heirs, and all and every other person or persons whomsoever, lawfully claiming or to claim by, from, or under them, or any of them, shall and will, from time to time, and at all times hereafter, upon the reasonable request, and at the proper costs and charges of the said Henry Messonnier, his heirs and assigns, make, do, and execute, or cause and procure to be made, done, and executed, all and every such further and other lawful and reasonable act or acts, deed or deeds, conveyance or conveyances, device, or devices in the law whatsoever, for the further, better, and more perfect and absolute assurance and confirmation of the said land, hereditaments, and premises hereby granted, and conveyed, or mentioned, or intended so to be, with the appurtenances, unto him, the said Henry Messonnier, his heirs and assigns, as by him or them, his or their counsel, learned in the law, may or shall be reasonably advised, devised, or required.

In testimony whereof the said parties to these presents have hereunto set their hands, and affixed their seals, in the presence of me, the said notary, and of John Henry Hoskyns and Theophilus F. Dougherty, witnesses hereto required, who have signed their names; and I, the said notary, have hereunto set my hand, and affixed my notarial seal, on this second day of January, in the year of our Lord one thousand eight hundred and eleven.

(Signed) L. PASCAULT, [SEAL.]
MARY PASCAULT, [SEAL.]
HENRY MESSONNIER. [SEAL.]

Signed and executed in the presence of the—
(Signed) JOHN HENRY HOSKYNS,
" THEOPHILUS F. DOUGHERTY.
(Signed) SAMUEL STERETT, [SEAL.]
Not. Pub., Balt.

Know all men by these presents, that we, Charles Peter Stephen Wante, formerly of the city of Baltimore, State of Maryland, but now of the city of Paris, in the empire of France, and Maria Rose Dubreuil Wante, being both husband and wife, have nominated, appointed, named, ordained, made and constituted, and, by these presents, we nominate, appoint, name, ordain, make and constitute, Mess. Henry Messonnier and John Carrere, both merchants of the aforesaid city of Baltimore, jointly, and our true and lawful attorneys, general and special, for us, in our names and in our behalf, to grant, sell, alien, convey, and transfer, to any person or persons whatsoever, and for whatever consideration our said attorneys, or either of them, may deem proper and equitable, such part or parts of the following tracts of land, of one hundred thousand arpens, French measure, as may be found necessary, in order to pay, acquit, and discharge the amount of certain debts due by me, C. P. S. Wante, at the terms, rates, conditions, and in the manner set forth in the written instructions already delivered by me, the said C. P. S. Wante, to the aforesaid John Carrere, one of our said attorneys. The aforesaid tract of one hundred thousand acres, French measure, lying and being in the county of Ouachita, State of Louisiana, being part of one hundred and twenty thousand arpens, sold, aliened, granted, and conveyed over to me, the said C. P. S. Wane, by Edward Livingston, of the city of New Orleans and State of Louisiana aforesaid, by deed, having date of the nineteenth February, one thousand eight hundred and nine; the last recited tract of one hundred thousand and twenty thousand arpens being part of a large tract of land, known by the name of Bastrop's large concession. And we, the said constituents, do by these presents grant and give all our power and authority, jointly and severally, to our aforesaid constituted attorneys, and to either of them, to sign, seal, and execute for us, in our names and in our behalf, all such deed or deeds of bargain and sale, of lease and release, and of conveyance, as they, or either of them, may *found* necessary and expedient, for the purpose of selling, granting, conveying, enfeoffing, and conveying, such part or parts of the aforesaid one hundred thousand arpens as may be requisite to raise *suffisant* sum of money to extinguish the aforementioned debts of me, the said C. P. S. Wante, agreeably to the above mentioned instructions, delivered to the said John Carrere; referring our said attorneys, or either of them, for a more full and detailed description of the said one hundred thousand arpens of land, to the deed of conveyance of twenty thousand arpens, making part of the aforesaid one hundred and twenty thousand arpens, executed by me, C. P. S. Wante, under my hand and seal, and registered at the consulate office of the United

States of America, at Paris, the second day of April, one thousand eight hundred and ten; by which deed I, the said C. P. S. Wante, did convey and transfer the said twenty thousand arpens to James Carbonnet. And we do further, by these presents, give and grant full power and authority to our aforesaid attorneys, or to either of them, jointly and severally, to do and cause to be done, in the premises, all and every thing we, the said constituents, and each of us, could do were we personally present; covenanting, promising, and obliging ourselves, and each of us, each of our heirs, executors, and administrators, to approve, confirm, and ratify all and every thing our said attorneys, or either of them, may lawfully do, or cause to be done, by virtue of these presents.

In witness whereof we, the said constituents, have signed, sealed, and delivered these presents, at Paris aforesaid, this ninth day of July, one thousand eight hundred and ten.

(Signed) DUBREUIL WANTE,
" S. WANTE.

Signed, sealed, and delivered in presence of—
(Signed) HEN. WADDELL,
" WILLIAM McILVAINE.

On this ninth day of July, one thousand eight hundred and ten, personally appeared at the consulate office of the United States of America, at Paris, before me, David Baiflie Warden, esq., consul of the said United States, at Paris aforesaid, and agent of prize causes, Mr. Charles Peter Stephen Wante, and Mad. Maria Rose Dubreuil Wante, his wife, who acknowledged before me the signing, sealing, and delivery of the aforegoing letter of attorney, as their own joint act and deed, for the purpose therein mentioned; and the said Madam Wante did further declare unto me, that it is of *our* own accord that she did execute the aforesaid act; and that it is her personal wish, intention, and desire, that the land therein mentioned should be sold, aliened, transferred and conveyed, for the purposes therein set forth; renouncing hereby, fully and irrevocably, to all the rights and pretensions she might or could have to such parts of the land as may be hereafter sold by the said attorneys, by virtue of the foregoing act, declaring solemnly, that she has not been instigated, nor compelled by her husband, nor by any other person, to give her free assent to such sales *and* may be made of the land aforesaid, by virtue of the foregoing letter of attorney. And personally appeared also, before me, Mr. John Carrere, one of the attorneys named in the foregoing act, who acknowledged that the aforesaid Mr. Wante did really and truly deliver to him the written instructions, as set forth in the said act, respecting the sales of part of the lands therein mentioned, and respecting the appropriation of the consideration of such sales to the payments and discharge of the debts due by the said M. S. Wante, in the manner, at the terms,

rates, and conditions, as are specified in the said instructions, which he promises to execute and faithfully follow to the best of his ability.

In witness whereof I have signed these presents with the said C. P. S. Wante, Madame Rose Dubreuil Wante, his wife, and John Carrere, and have affixed hereunto the seal of my office at Paris, the day and date above mentioned.

(Signed) DUBREUIL WANTE,
" S. WANTE,
" JOHN CARRERE.

(Signed) DAVID BAILIE WARDEN,
American consul and agent of prizes causes at Paris.

THE STATE OF MARYLAND, *to wit:*

I, Ninian Pinkney, clerk of the executive council of the said State, do hereby certify, that Samuel Sterett, esquire, before whom the foregoing deed was acknowledged, was at the time of taking the same, and now is, notary public for the State of Maryland, residing at the city of Baltimore, in the *the* said State, duly appointed, commissioned, and authorized, and that to all acts by him done in that capacity full faith and credit are and ought to be given, as well in courts of justice as thereout.

In witness whereof I have hereunto set my hand, at the city of Annapolis, this ninth day of January in the year of our Lord one thousand eight hundred and eleven.

(Signed) NINIAN PINKNEY,
Clerk of the council.

MARYLAND, *sct.*

In testimony that Ninian Pinkney, esq., is clerk of the executive council of the State of Maryland, I have hereto affixed the great seal of *of* said State, this ninth day of January, eighteen hundred and eleven.

TERRITORY OF ORLEANS,
Parish of Ouachitta, sct.

I, Thomas C. Lewis, parish judge in and for the parish aforesaid, duly authorized by law (ex officio) to record conveyances, and other writings in my office, and to give the same due authenticity, do certify, the foregoing deed of bargain and sale of land from Lewis Pascault, and Mary, his wife, to Henry Messonnier, together with the official certificates thereon endorsed, was produced to me in my office, and ordered to be enregistered on the rolls thereof, which is done accordingly, in liber C, folios 125, '6, and 7.

In credence whereof I have hereunto set my hand, affixed the seal of my said office, this twenty-ninth day of May, in the year [SEAL.] of our Lord one thousand eight hundred and eleven, and of the thirty-fifth of American independence.

(Signed) THOS. C. LEWIS,
P. judge and pub. not. ex officio.

2°. *Doc. C, off'd in evidence by plaintiffs, May 28th, '49.*

UNITED STATES OF AMERICA,
State of Maryland, sct.

Whereas in and by a certain act or conveyance in writing, dated the twentieth day of May, in the year of our Lord eighteen hundred and eleven, executed before Samuel Sterett, notary public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore and State aforesaid, it is made known and certified, that before the said notary personally came and appeared Samuel McKean, of said city, merchant, of the one part, and Henry Messonnier and John Carrere, merchant, of said city, of the other part, and that said Samuel McKean, for the consideration therein expressed, did grant, bargain, sell, alien, enfeoff, release, convey, and confirm, to the said Henry Messonnier and John Carrere, their heirs and assigns, as tenants in common, and not as joint tenants, all that certain tract or parcel of land, situate and being in the county of Ouachita, and Territory of Orleans, (now State of Louisiana,) the same being part of a grant of land known by the name of "Bastrop's large concession," in Ouachita as aforesaid, and by survey bearing date on the thirtieth day of November, in the year eighteen hundred and eight, executed by Henry Cassidy, deputy surveyor of said county, containing one hundred and twenty thousand arpens of land, French measure, which said tract or parcel of land was granted and conveyed to Stephen Wante, by Edward Livingston, of the city of New Orleans, by act or instrument of conveyance executed in the city of New Orleans, on the thirteenth day of February, in the year eighteen hundred and nine, and which said tract or parcel of land so conveyed by said McKean, except as thereinafter mentioned, had been then lately conveyed by said Wante to said McKean, together with the improvements and appurtenances, and the reversion and reversions, remainders, rents, issues, and profits; to hold the same to the said Henry Messonnier and John Carrere, their heirs and assigns, as tenants in common and not as joint tenants, as by reference to said act or conveyance registered in the office of the parish judge in and for the parish of Ouachita, and State of Louisiana, in liber C, folio , may more fully appear. And whereas said Henry Messonnier hath departed this life, leaving his last will and testament duly proved, and now of record in the office of register of wills in and for Baltimore county, in the State of Maryland; of which will and testament he appointed as executors Edure Ducatel, John Carrere

aforesaid, and Peter Chatard, all of the city of Baltimore aforesaid, who assumed and accepted the duties and office of executors as aforesaid, and became by letters testamentary from the orphan's court of Baltimore county duly qualified to act *is* such executors. And whereas the said Edure Ducatel hath (since the passing of the decree hereinafter mentioned) departed this life; and whereas said will and testament confers upon the executors thereof power and authority over, and the right to sell and dispose of, all the property, real and personal, of said testator, and makes various devises and bequests; and whereas the said Stephen Wante, otherwise and properly called Charles Peter Stephen Wante, heretofore exhibited bill in the high court of chancery of the State of Maryland against said executors, and also against the devisees and legatees of said Messonnier, alleging, among other things, that a portion containing twenty-seven thousand three hundred and sixty-two arpens, French measure, of said tract or parcel of land conveyed as aforesaid by said McKeon to said Messonnier and Carrere, was in fact the property of said Wante, and held in trust by them for said Wante; and stating, also, that the said Wante being indebted to the said John Carrere, the said Wante, by his agent, Johns Lafitte, of the city of Baltimore, had entered into an agreement with said Carrere, whereby said John Carrere had accepted in full satisfaction of his said debt a part of the land to the extent of fifteen thousand acres or arpens, French measure, which said McKean had conveyed as aforesaid to said Messonnier and Carrere, and which part was accordingly then the property of said John Carrere, his heirs and assigns, and had been agreed by and between the said John Carrere and John Carrere, junior, to be conveyed by said John Carrere to said John Carrere, junior, his heirs and assigns. And whereas it was afterwards upon full evidence so proceeded in the said cause in the said court of chancery, that it was on the ninth day of December, in the year eighteen hundred and thirty-three, by said court adjudged, ordered, and decreed that said John Carrere, his heirs and assigns, should hold, possess, and enjoy said portion of said land, containing fifteen thousand acres or arpens, French measure, free, clear, and discharged of and from all claim, interest, and estate of the said Wante, the complainant, and of the other defendants in said cause, their heirs, executors, and administrators, thereto and therein. And whereas the said part or portion of said land is contained within the course, distances, and description following, to wit, all that part of the said tract or parcel of land which is bounded northeasterly by the south thirty-eight degrees east line of the whole survey or tract of one hundred and twenty thousand arpens, conveyed by Livingston to Wante as aforesaid; southeasterly by that part of the same tract sold by said Wante to a certain Carbonnet; northwesterly by that part thereof conveyed by Henry Messonnier and John Carrere to Lewis Pascault, the said Messonnier and Carrere conveying the same as attorneys in fact of said Wante; and southwesterly by a line parallel to the aforesaid south thirty-eight degrees east line or course of the whole tract or survey of one hundred and twenty thousand arpens

aforesaid, so as to comprehend within those limits the exact quantity of fifteen thousand arpens of land, French measure, neither more nor less.

Now, be it known and remembered, that on this twenty-third day of April, in the year of our Lord one thousand eight hundred and thirty-five, before me, James B. Latimer, notary public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in said State, personally came and appeared John Carrere, above named, of the said city of Baltimore, merchant, and Peter Chatard, of the same place, physician, of the one part, and John Carrere, junior, of the said city of Baltimore, attorney at law, of the other part. And the said John Carrere, in his own and every other right or capacity pertaining to him, for and in consideration of the premises, and of the sum of five dollars, lawful money of the United States, to him in hand paid by the said John Carrere, junior, at the time of signing these presents, before me, the said notary, the receipt of which sum of money the said John Carrere hereby acknowledges, has granted, bargained, sold, aliened, enfeoffed, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, enfeoff, convey, and confirm, unto the said John Carrere, junior, his heirs and assigns forever, all that part or portion of the aforesaid tract or parcel of land which is above described, and containing, as aforesaid, the quantity of fifteen thousand arpens of land, French measure; together with all and every the rights, privileges, appurtenances, and advantages to the same belonging or in anywise attached or appertaining, and the reversions, remainders, rents, issues, and profits thereof, and all the estate and interest, right, title, use, trust, benefit, claim, and demand, legal and equitable, of as well the said Henry Messonnier in his lifetime, and at the time of his death, as of the said John Carrere in his own or any other right or capacity as aforesaid, and of the executors aforesaid of said Messonnier's said will and testament, and of the complainant and defendants in said cause in the high court of chancery, in anywise howsoever, in, unto, and out of the said described and hereby mentioned to be conveyed and granted portion of land, property, and premises: to have and to hold the said fifteen thousand arpens of land above described, and hereby mentioned to be granted and conveyed, with the appurtenances, unto the said John Carrere, junior, his heirs and assigns, to the proper use and behoof of the said John Carrere, junior, his heirs and assigns for forever.

And the said Peter Chatard, as one of the surviving executors of the said Henry Messonnier, does hereby ratify and confirm the above conveyance to the said John Carrere, junior, his heirs and assigns.

And be it also known and remembered, that, on the day and year herein before written, the said John Carrere, in respect of his rights and capacity, and for himself, his heirs, executors, and administrators, before me, the said notary, did covenant, promise, declare, and agree, to and with the said John Carrere, junior, his heirs and assigns, that to the extent, and in respect of the right, interest, and estate of said John Carrere, his heirs, executors, or administrators, in the premises, he and

they shall and will, at any times hereafter, at the reasonable request, and at the proper cost and charge of the said John Carrere, junior, his heirs and assigns, execute, acknowledge, and deliver, or cause or procure to be executed, acknowledged, and delivered, all such further and other lawful and reasonable acts, deeds, and conveyances in the law, as shall or may be reasonably advised or devised and required for the confirmation of these presents, and making the same effectual according to the purport, time, intent, and meaning hereof.

In testimony whereof the said John Carrere, Peter Chatard, and John Carrere, junior, have hereto severally set their hands and seals, in the presence of me, the said notary, and of William Warfield, James Piper, and Charles F. Mayer, witnesses hereto required to attest these presents, who have signed as such witnesses; and I, the said notary, have hereunto subscribed my name and affixed my notarial seal, on this twenty-third day of April, in the year of our Lord one thousand eight hundred and thirty-five.

(Signed) JOHN CARRERE, [SEAL.]
P. CHATARD, [SEAL.]
JNO. CARRERE. [SEAL.]

Witnesses:
(Signed)—WILLIAM WARFIELD,
JOS. PIPER,
CHARLES F. MAYER.

(Signed) JAS. B. LATIMER, [SEAL.]
Notary Public.

STATE OF MARYLAND, *to wit:*

I, Thomas Culbreth, clerk of the executive council of the State of Maryland, do certify, that James B. Latimer, esquire, before whom the foregoing instrument of writing appears to have been executed and acknowledged, and whose signature and official seal is thereto subscribed and attached, was, at the date of the said instrument of writing, and yet is, a notary public of the State of Maryland, residing in the city of Baltimore, duly appointed and authorized to act in that capacity; and that, to all his acts and attestations as such, full faith and credit are due, and ought to be given, as well in courts of justice as elsewhere.

Given under my hand this twenty-fourth day of April, in the year of our Lord one thousand eight hundred and thirty-five, and of the independence of the United States the fifty-ninth.

(Signed) THOS. CULBRETH.

STATE OF MARYLAND, *to wit:*

I, Ramsay Waters, register of the court of chancery, do hereby certify, that Thomas Culbreth, esquire, is clerk of the executive council of the State of Maryland, and that to his above act are due full faith and credit.

In testimony whereof I have hereto set my hand and affixed the great seal of the State of Maryland, this twenty-fifth day of
[SEAL.] April, in the year of our Lord one thousand eight hundred and thirty-five.

(Signed) RAMSAY WATERS,
Register cur. can.

STATE OF LOUISIANA, *parish of Ouachita, ss.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify, that the foregoing and within deed of conveyance is duly recorded in my office, in notarial book H, folios 272, 273, and 274.

In full faith whereof I have hereunto signed my name and affixed my seal of office, on this first day of September, anno domini
[SEAL.] one thousand eight hundred and thirty-five, (1835,) and of the independence of the United States of America the sixtieth.

(Signed) LEWIS F. LAMY,
Parish judge.

And thereupon, on the filing of said amended petition, was issued from the clerk's office, on the 17th day of March, A. D. 1849, the following

Citation.

[Seal of court.] UNITED STATES OF AMERICA.

The President of the United States, to the marshal of the district of Louisiana, greeting:

You are hereby commanded to summons Thomas J. Durant, esq., U. S. attorney for the district of Louisiana, to appear before the honorable the judge of the district court of the United States, for the district of Louisiana, at a district court, to be holden on the first Monday of March, 1849, then and there to answer an amended petition or bill in chancery, filed against the United States, wherein Edward D. Carrere and others are complainants, and said United States of America, defendants, No. 60, of the docket of land suits, admonishing the said attorney for the defendants, that his answer to the aforesaid amended petition is to be filed on or before the said 5th March, 1849, else the same may be taken pro confesso.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States of America, for Louisiana, this 17th day of February, in the year of our Lord one thousand eight hundred and forty-nine, and the 73d year of American independence.

(Signed) ROBT. M. LUSHER, *Dept'y clerk.*

Marshal's return.

Received February 17th 1849, and on the same day served copy of the within citation, copy of the amended bill and exhibits annexed, on Thomas J. Durant, esq., U. S. district attorney by handing the same to him in person at N. Orleans.

Returned February 20th, 1849.

(Signed) CHAS. A. LABUZAN,
Deputy U. S. Marshal.

And afterwards, to wit, on the 5th day of March, 1849, was duly filed in the clerk's office, by the U. S. district attorney, the following:

Answer to supplemental bill.

EDWARD D. CARRERE, and others
vs.
The UNITED STATES.

In the district court of the United States, for the district of Louisiana, before the honorable Theodore H. McCaleb, judge of said court.

The answer of Thomas J. Durant, attorney of the United States for the district of Louisiana, to the supplemental bill of complaint and petition of Edward D. Carrere and others, complainants and petitioners.

The attorney of the United States aforesaid, and the defendants, now and at all times hereafter saving and reserving to themselves all and all manner of benefit or advantage of exception which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said complainants' said supplemental bill of complaint and petition contained, for answer thereto, or unto so much and such parts thereof as the attorney aforesaid and these defendants are advised is or are material or necessary for them to make any answer unto, the attorney of the United States, these defendants aforesaid, answering saith, that he is a stranger to the several matters and things in the said complainants' supplemental bill of complaint and petition set forth and contained; and the said attorney further saith, that he claims such rights and interests, under the treaties, statutes, and laws pertinent to this matter, for and on behalf of the United States, *in* this honorable court shall be of opinion that the United States are justly entitled to. And the attorney aforesaid further avers, that if there is any other matter, cause, or thing in the said complainants' supplemental bill of complaint and petition contained, material or necessary for this defendant, the attorney aforesaid, to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied, is true, to the knowledge or belief of the said attorney; all of which matters and things he is ready to aver, maintain,

and prove, as this honorable court shall direct; and humbly prays to be hence dismissed, with his reasonable costs and charges in this behalf most wrongfully sustained.

(Signed) THOMAS J. DURANT,
Att'y U. S. for La.

And afterwards, to wit, on the seventeenth day of March, A. D. 1849, was by the plaintiffs filed in court the following

Replication.

In the district court of the United States, for the eastern district of Louisiana.

EDWARD W. CARRERE et al.
vs.
THE UNITED STATES.

The replication of Edward W. Carrere et alias, complainants, to the answer of the district attorney of the United States, for the eastern district of Louisiana, to the original and supplemental petition of complainants, by them heretofore filed.

Complainants aver, that all their allegations contained in their original and supplemental or amended petitions are true, notwithstanding the denial of defendants; all of which they are ready to maintain and prove, to the satisfaction of this honorable court. Wherefore they insist they are entitled to the relief prayed for in their said petitions, as well as judgment against said defendants, and should not be precluded by reason of anything alleged by defendants in their said answers; and this they pray may be inquired of by this court, &c.

(Signed) THOMAS GIBBS MORGAN,
J. W. GURLEY,
Solicitors for plaintiff.

May term, 1849—Monday, May 21st, 1849.

Present, honorable Theo. H. McCaleb.

EDWARD W. CARRERE et als.
vs.
THE UNITED STATES. } No. 60.

On calling of the docket, this case was, on motion, filed for Monday, 28th instant.

And afterwards, to wit, on the 28th May, A. D. 1849, were had and duly recorded on the minutes of the court the following proceedings:

Trial and submission. May term, 1849.

Monday, May 28th, 1849; present, honorable Theo. H. McCaleb.

EDWARD W. CARRERE et als.
vs.
The United States. } No. 60.

This cause came regularly up for hearing on petition, answer, and replication. T. G. Morgan and J. W. Gurley, esqs., solicitors for complainants, and the attorney of the United States for defendants, appearing. Evidence was adduced, the greater portion thereof being, with leave of court, drawn from the record in the case of the cities of Philadelphia and New Orleans, No. 21 of the docket of land causes; and the case was thereupon submitted to the court.

The evidence offered was as follows:

By the complainants. (See agreement of parties, folio 68 hereof, of date November 3d, 1851.)

Extract from docket.

The following documents drawn from the record of case No. 21.

1o. Document A, No. 6. Copy of petition of Bastrop, and order of Carondelet, June 10, 1797, (with transfer.)

2o. Document A, No. 7. Copy of "Bastrop Grant," with translation, June 20th, 1797.

3o. Grant of six toises to Bastrop, copy and translation, June 21st, 1796.

4o. Document A, No. 4. Plat and survey by Trudeau, (copy,) December 3d, 1806, (with translation.)

5o. Document (No. 9) A, 2. Letter, Carondelet to Filhiol, April 2d, 1795, (with translation.)

6o. Document (6) A, No. 6. Letter, Rendon to Filhiol, October 30th, 1795, (with translation.)

7o. Document (No. 10) A 1. Letter, Carondelet to Filhiol, June 2d, 1796, (with trans.)

8o. Document A, No. 5. Letter, Filhiol to Maison Rouge, September 12th, 1796, (with trans.)

9o. Document A, 3. Letter, Carondelet to same, March 5th, 1797, (with trans.)

10o. Copy of decree of Spain, court of Madrid, with translation, July 22d, 1802.

11o. Copy of grant to Rogers, with translation, October 6th, 1799.

12o. Deposition of Louis Bouligny, (March 26th, 1847.*)

13o. Do. of David Stewart, (July 10th, 1846.*)

14o. Do. of Grammont Filhiol, (July 10th, 1846.*)

* To prove the introduction of families by Bastrop, and the building of a grist and saw mill, &c.

15o. Deed from de Bastrop to Morehouse, copy, with certificate and translation, January 25th, 1804.

16o. Document D. Covenant between Bastrop, Morehouse, and Lynch, May 14th, 1805.

17o. Cassidy's plat and survey of Bastrop and Morehouse lands.

18o. Document F. Deed of release and acquittance, Chas. Lynch to E. Livingston, September 27th, 1807.

20o. Document CC. Deed of sale, &c., E. Livingston to Stephen Wante, February 13th, 1809.

21o. Deed of trust, G. Y. Morehouse to Wm. Griffith, April 9, 1816.

There were also, on the same day, offered by the complainants the documents following, (filed in evidence in suit No. 29,) to wit:

19o. Document C. Division between Morehouse and Livingston, 28th September, 1807.

22o. Document A. Plat and sub-division of the Bastrop claim.

1o. *Document C. Division between Morehouse and Livingston. See Cassiday's survey*, 1807, *September 28th.*

Copy.

Whereas, by an agreement, made and entered into on the fourteenth day of May, in the year of our Lord one thousand eight hundred and five, in the twenty-ninth of the American independence, before Peter Pedesclaux, notary public, in the city of New Orleans, by the Baron de Bastrop of the first part, Charles Lynch of the second part, and Abraham Morehouse of the third part, each of the parties being personally present; in which contract, signed and duly recorded, it is agreed between and by the several parties, under divers stipulations to be performed, that the said Abraham Morehouse should be entitled to hold, in his own right, four undivided tenth parts of a certain tract of land conceded by the Spanish government to the said Baron de Bastrop, situated in the district of Ouachita, containing twelve leagues square; and the said Charles Lynch should hold and be entitled to the remaining six-tenth parts, the same to be divided by a line to be agreed on by the parties. And whereas it now appears, by a judgment of the superior court, of the Territory of Orleans, rendered on the seventh day of March, eighteen hundred and six, in favor of Edward Livingston, and against said Charles Lynch, and likewise by an assignment and release, made and recorded before the signing of these presents, from the said Charles Lynch, by his attorney in fact, John Adair, to Edward Livingston, that the said Edward Livingston is now entitled to six undivided tenth parts of said grant, under the stipulation of being bound to perform all the conditions which the said Lynch was bound to perform by the aforesaid recited agreement.

The parties have entered into the following divisions, to wit: The said Edward Livingston, by his attorney in fact, Augustus Davison de

Castra, does for himself, his heirs, executors, &c., &c., release and for ever quit claim to the said Abraham Morehouse, his heirs, executors, &c., &c., to four-tenth parts of said grant of twelve leagues square, which four-tenth parts contain, by estimation, four hundred thousand arpens, and bounded as follows: Beginning at the eighteen mile tree from the letter D, on the eastern line of the survey of said grant made by Henry Cassidy, authorized surveyor on the part of the United States to survey all land in this district, thence running north thirty-three degrees west, until it crosses the bayou Bartholemy on its most western banks, thence running to the river Ouachita in such direction as will include the quantity. And the said Abraham Morehouse does, for himself, his heirs, &c., release and for ever quit claim to the said Edward Livingston, his heirs, executors, and assigns, the remaining six-tenth parths of the said grant, which six-tenth parts contain, by estimation, six hundred thousand arpens, under the condition of the aforesaid recited agreement, and bounded as follows, to wit, beginning at the aforesaid eighteen mile tree, and running with the line aforesaid, until it strikes the Ouachita, and round with the line of the survey of said grant made by the said Henry Cassidy; it being understood and intended that Edward Livingston shall hold all the lands within the grant north and east of the said division line, and the said Abraham Morehouse all the lands on the south and west of the same, as may appear more fully by a reference to the said map of the said grant, executed by the said Cassidy, in which the lines of division here referred to are marked, as witness our hand and seal.

(Signed,) ABRAHAM MOREHOUSE, [SEAL.]
EDWARD LIVINGSTON, [SEAL.]

By his attorney in fact,
AUGUS'S DAVESAC DE CASTRA.

Witnesses present—
J. L. HENDERSON,
P. CASSIDY,
HENRY CASSIDY.

Acknowledged before me, therefore it is recorded in my office.
(Signed,) H. BRY, *P. J.*

[SEAL.] I do certify, the present to be a true copy of the original recorded in my office.
(Signed,) H. BRY, *P. J.*

Document annexed to foregoing.

By William C. C. Claiborne, governor of the territory of Orleans.

These are to certify, that Henry Bry, whose name is subscribed to the instrument of writing hereunto annexed, is judge in and for the parish of Ouachitta, and duly qualified and commissioned.

Given under my hand and the seal of the territory, at New Orleans, this 2d day of May, 1808, and in the thirty-second year of the independence of the United States.

[SEAL.]

(Signed,) WILLIAM C. C. CLAIBORNE.

Endorsement on the foregoing document.

Agreement of division of Bastrop grant, 28th September, 1807.

Judgment against Charles Lynch in favor of Livingston, the land being divided between A. Morehouse and Livingston, recorded in Bry's office 28th of September, 1807.

2o. Document A, plat and subdivision of the Bastrop claim.

(For plat see original, page 37.)

Further, the complainants also offered in evidence the exhibits B and C, annexed to plaintiff's amended petition, filed February 15th, 1849, and copied in folios 7 to 27.

The complainants furthermore offered in evidence the following:

23o. *Record from Maryland chancery court.*

WANTE
vs.
CARRERE et al.

MARYLAND, *sct.*

At a court of chancery for the State of Maryland, begun and held at the city of Annapolis, on the first Tuesday of December, in the year of our Lord one thousand eight hundred and thirty-three—

Present, the honorable Theodorick Bland, chancellor; Ramsay Waters, register.

Were had (among other) the following proceedings:

CHARLES PETER STEPHEN WANTE
against
JOHN CARRERE, Edure Ducatel, Peter Chatard, Francis Messionier, Daniel Messionier, (of Daniel,) Joseph Messionier, Lewis Messionier, Daniel Messionier, (of John James,) John Georges Messionier, and Charlotte Depierre.

Be it remembered, that heretofore, to wit, on the 30th day of October, 1833, came Charles Peter Stephen Wante, by Charles F. Mayer, esquire, his solicitor, into the court of chancery of Maryland, and exhibited in said court his bill of complaint against John Carrere, Edure

Ano de 1824

N 53 E 14 leagues (8 1/2 mile

Ducatel, Peter Chatard, Francis Messionier, Daniel Messionier, (of Daniel,) Joseph Messionier, Lewis Messionier, Daniel Messionier, (of John James,) John Georges Messionier, and Charlotte Depierre, with words following, to wit:

To the honorable Theodorick Bland, chancellor of Maryland.

The bill of complaint of Charles Peter Stephen Wante, otherwise called Stephen Wante, of the city of Paris, respectfully shows, that your orator, being seized in fee simple of a certain tract or parcel of land, (save and except a part thereof containing twenty thousand acres, sold by your orator to a certain James Carbonnet, of Paris, on the second day of April, in the year eighteen hundred and ten, as will appear by the act of said sale registered in the American consulate of Paris,) situated then in the Territory of Orleans, now the State of Louisiana, in the county of Ouachita, containing one hundred and twenty thousand acres or arpens, French measure, and being part of a grant of land known by the name of Bastrop's large concession; and which tract or parcel of land was granted to your orator by Edward Livingston, of the city of New Orleans, by conveyance executed on the thirteenth day of February, in the year eighteen hundred and nine, and registered in the office of the parish judge of and for the parish of Ouachita, in the State of Louisiana, did by letter of attorney, dated the ninth day of July, in the year eighteen hundred and ten, authorize and empower Henry Messionier and John Carrere, both then of the city of Baltimore, to sell and dispose of the said land, excepting the part sold as aforesaid to said Carbonnet, and by or through such sale and disposition to appropriate the same for paying the debts of the said Wante. Your orator now states that, in pursuance of said letter of attorney, the said Messionier and Carrere, with a view to satisfy the said Messionier on a part of said lands the debt which your orator owed him, did convey to a certain Louis Pascault a part of said lands, containing forty-five thousand one hundred and thirty-eight acres, by deed, dated the twenty-ninth day of December, in the year eighteen hundred and ten, and registered as aforesaid in liber C, folios 118, 119, 120; which land, so conveyed to him, the said Pascault afterwards *afterwards* conveyed to said Messionier, by deed dated the second day of January, in the year eighteen hundred and eleven, and registered as aforesaid in liber C, folios 125 to 127, the said Messionier, agreeably to the terms of said letter of attorney, thereby having appropriated and assured to him in satisfaction of the said debt due to him from your orator the land aforesaid, and all your orator's interest and estate therein. And your orator states that said Messionier and Carrere, by deed dated the nineteenth day of April, in the year eighteen hundred and eleven, as attorneys aforesaid of your orator, conveyed to one Samuel McKean all the remaining part of said tract or parcel of land belonging to your orator, to the end that said McKean might, by a conveyance of part thereof, containing twelve thousand five hundred acres, to a certain Stephen Girard, satisfy said Girard a debt due said Girard from your orator, and which part said

McKean accordingly conveyed to said Girard, by deed registered as aforesaid on the thirteenth day of July, in the year eighteen hundred and twelve. And your orator states that, by deed dated the twentieth day of May, in the year eighteen hundred and eleven, and registered as aforesaid on the day aforesaid of last mentioned registration, the said McKean conveyed to said Messionier and Carrere all the residue of the land conveyed to said McKean remaining after said conveyance to said Girard; which land conveyed by said McKean to said Messionier and Carrere, your orator states was held by them in trust for your orator, his heirs, and assigns; and, except as herein after stated, is so in trust, although the conveyance of said McKean is absolute in its terms, as for the use and proper benefit of said Messionier and Carrere. And your orator now states, that no conveyance to or for your orator, or his benefit, of said land, so conveyed by said McKean to them, has ever been executed by said Messionier and Carrere, or either of them; and your orator further states, that said Messionier departed this life in the city of Baltimore, his place of residence aforesaid, in the year eighteen hundred and twenty-three, leaving his last will and testament, whereof he appointed John Carrere aforesaid, Peter Chatard, and Edure Ducatel, of said city of Baltimore, executors, who have accordingly taken upon themselves the said executorship, and received from the orphan's court of Baltimore county letters testamentary upon said testator's estate.

Your orator now states to your honor, that being indebted to the said John Carrere, your orator, by his agent, John S. Lafitte, of the city of Baltimore, has entered into an agreement with said Carriere, whereby said Carrere has accepted in full satisfaction of your orator's said debt a part of the land, to extent of fifteen thousand acres or arpens, French measure, which said McKean conveyed as aforesaid to said Carrere and Messionier, and which said part is accordingly now the property of said Carrere, his heirs and assigns, and has been agreed by and between said John Carrere and John Carrere, junior, to be conveyed by said John Carrere to said John Carrere, junior, his heirs and assigns. And your orator further shows, that said part of said land, containing as aforesaid fifteen thousand acres, is contained within the following *causes* and distances, that is to say, all that part of said tract or parcel of land which is bounded northeasterly by the part of said tract, sold as aforesaid to Carbonnet; northwesterly by that part thereof conveyed by Henry Messionier and John Carrere, as aforesaid, to said Pascault; and southwesterly by a line parallel to the aforesaid south thirty-eight degrees east line or *cause* of the whole tract aforesaid, so as to comprehend within the said limits the exact quantity of fifteen thousand arpens of land, French measure, neither more or less.

And your orator now states, that of the land aforesaid conveyed by said McKean to said Messionier and Carrere there remains now unappropriated by your orator and the property and estate in equity of your orator, all that land containing twenty-seven thousand three hundred and sixty-two acres or arpens, French measure, which is contained

within the following description, that is to say, beginning for the same at the southermost corner of that part aforesaid of said tract or parcel of land which your orator has herein before stated to be the property of said John Carrere, and to have been agreed by him to be conveyed to John Carrere, junior, and running thence north thirty-eight degrees west, bounding on said part five hundred and ten chains, until it intersects the south thirty-four degrees west, eight hundred and seventy chains, line of the land conveyed as aforesaid by Henry Messionier and John Carrere to Lewis Pascault; then running and bounding on that land conveyed to Pascault, south thirty-four degrees west, five hundred chains, until it intersects the land as aforesaid conveyed to Stephen Girard; then running and bounding on said land of Girard, south fifty-six degrees east, seven hundred and forty chains, until it intersects the south seventy-two degrees and twenty-three minutes west, seven hundred and ninety chains, line of the whole tract or parcel of land as aforesaid, conveyed as aforesaid to your orator by Edward Livingston; then running on said line reversely north seventy-two degrees and twenty-three minutes east, ninety chains, until it intersects the part of said tract conveyed as aforesaid to said Carbonnet; then running and bounding on Carbonnet's said part north thirty-eight degrees west, four hundred and fifty chains to the place of beginning, laid out for and said to contain, as already set forth by your orator, twenty-seven thousand three hundred and sixty-two acres (or arpens of land, French measure) more or less.

And now your orator states, that the said parcel of land just described, being thus the property and estate of your orator, though vested in point of legal estate yet in the names of said Carrere and Messionier, your orator desires that the same should be conveyed to your orator, and his heirs, for his and their sole and absolute disposal. And your orator states, that though the said Carrere is willing to convey the same as aforesaid to your orator, and the executors aforesaid of said Messionier also desire to be authorized to unite in said conveyance, yet the said executors having, by said Messionier's will, only the power of selling and disposing of the real estate of said Messionier, are advised that they cannot safely, effectually, too, for your orator's interests and title, convey as aforesaid without the sanction and direction of a court of equity. And your orator further states and charges, that said executors having by said will the authority and being thereby directed to sell all the estate, real and personal, of said Messionier, the said testator, after bequeathing sundry legacies, directs that the residue of his estate and the funds derived from it, shall be divided among Daniel Messionier, Joseph Messionier, and Charlotte Depierre, children of Daniel Messionier, deceased, and Lewis Messionier, of Charles and Daniel and Francis Messionier, sons of John James Messionier and (conditionally) John George Messionier, the brother of the testator; which residuary, devised as said executors and your orator are informed, further renders necessary the order and direction of a court of equity in the premises; all which is much to the inconvenience and grievance of your orator in being thus without

the legal estate in said parcel of land. In tender consideration whereof, and forasmuch as your orator is remediless in the premises, except in a court of equity; to the end, therefore, that said John Carrere, and said Edure Ducatel, and Peter Chatard, all of the city of Baltimore, and that said Daniel Messionier, of Daniel, and Joseph Messionier, and Charlotte Depierre, Lewis Messionier, Daniel Messionier, of John James, Francis Messionier, and John Georges Messionier, all of whom (except Francis, who resides in the city aforesaid,) reside out of the State of Maryland, may, on oath, answer the premises, and that your orator may have decreed to him a conveyance of said parcel of land, described as aforesaid, remaining as your orator has stated unappropriated, and the property and estate in equity of your orator, to the end that your orator may therein have the legal and equitable estates, and that your orator may have such further and other relief in the premises as to your honorable court may seem right; may it please your honor to grant to your orator the writ of the State of Maryland of subpœna, directed to said John Carrere, Edure Ducatel, and Peter Chatard, and Francis Messionier, commanding them to be in this court to answer the premises, and therein to stand to and abide by such order and decree as to this court shall seem right. And forasmuch as said Daniel, of Daniel, and Joseph, and Charlotte, and Lewis, and Daniel, of John James, and John Georges, reside out of the State of Maryland, to the end that they may appear and answer as aforesaid, may it please your honor to order that by publication be made of the object and substance of this bill according to the acts of assembly in such case made and provided, and that said absent parties be thereby warned to appear as aforesaid, and show cause why the prayer of this bill should not be granted.

(Signed) CHARLES F. MAYER,
Sol. of plaintiffs.

And at the same time the said defendants filed in the said cause their answers to the said bill in the words following to wit:

To the honorable Theodorick Bland, chancellor of Maryland.

The answer of Daniel Messionier, (of Daniel) Joseph Messonier, Lewis Messonier, Daniel Messionier, (of John James) John Georges Messionier, and Charlotte Depierre, to the bill of complaint against the defendants [and] others, in this honorable court exhibited by Charles Peter Stephen Wante.

These defendants, saving to themselves all benefit of exception to said bill for its errors and imperfections, for answer thereto say, that they admit the death of Henry Messonier, in said bill named, and that he executed his last will and testament as there set forth, and that John Carrere, Edure Ducatel, and Peter Chatard are the duly qualified executors thereof; and also that the conveyances set forth in said bill were made, but the objects and consideration thereof these defen-

dants know not, but these defendants leave the said plaintiff to the proof of his right to the conveyance by him on his said bill claimed; these defendants not knowing whether the land claimed to be conveyed to said plaintiff is in equity the property and estate of said plaintiff as by him on his said bill set forth.

WILLIAM P. COLE,
Sol. for defendants.

The above answer is accepted without oath.

CHARLES F. MAYER,
Sol. for plaintiffs.

To the honorable Theodorick Bland, chancellor of Maryland.

The joint and separate answer of John Carrere, Edure Ducatel, Peter Chatard, and Francis Messonier, to the bill against them in this honorable court by Charles Peter Stephen Wante, otherwise called Stephen Wante, exhibited.

This defendant, Carrere, separately answering said bill says, that it is true that he and Henry Messonier, as attorneys of said plaintiff, did execute the conveyances in said bill mentioned, and that all the other conveyances there mentioned were executed as stated, and for the objects and considerations respectively in said bill stated, and that the land now by the said bill claimed to be conveyed to the plaintiff and his heirs is as said bill states the property and estate of said plaintiff.

These defendants, Ducatel, Chatard and Messonier, for themselves, answering said bill say, that they believe, and therefore admit as true, the allegations of said bill, and assent that a conveyance be decreed to and in favor of said Wante and his heirs as prayed by said bill. Further answering these defendants, Carrere and Ducatel and Chatard and Messonier say, that they admit the death of said Henry Messonier, and the execution of his last will and testamentary as in said bill set forth, and they pray to hence dismissed, &c.

JOHN CARRERE,
E. DUCATEL,
P. CHATARD,
J. MESSONIER.

STATE OF MARYLAND,
City of Baltimore, to wit:

On this 28th day of October, in the year eighteen hundred and thirty-three, before the subscriber, a justice of the peace of said State, in and for said city, personally appears John Carrere, and makes oath that all that he has stated in the aforegoing answer as of his own knowledge is true, and that all else herein set forth he believes to be true.

Sworn before WM. A. SCHAFFER.

And thereupon the complainant's solicitor entered a general replica-

tion to said answers, and directed a commission to take testimony to issue to the commissioners of the said court for Baltimore county, and the same was issued accordingly.

And afterwards, on the 12th day of November, 1833, the said commissioners made return of the said commission and of their proceedings under the same in the words following:

MARYLAND, *sct.*

The State of Maryland to William Magruder and George W. Noble, esquires, of Baltimore county, greeting: Know that we have appointed you to be our commissioner to examine evidence in a cause depending in our high court of chancery, between Charles Peter Stephen Wante, complainant, and John Carrere, and Edure Ducatel and others, defendants. We therefore require you, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission, that at such time and place as to you shall seem convenient, you cause to come before you all such evidence as shall be named and produced to you by either the plaintiff or defendant, and that you examine them on their corporal oaths, to be by you administered upon the holy evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and that you cause notice to be given to the parties or their attorneys of the execution of this commission before you execute the same, and having reduced the depositions of the witnesses so taken by you into writing, you send the same with this our commission, close under your hand and seal, to us in our high court of chancery, with all convenient speed.

Witness the honorable Theodorick Bland, chancellor, this 30th day of October, anno domini 1833.

Test, RAMSAY WATERS, *reg. cur. can.*

Commissioner's oath.

You shall to the best of your skill and knowledge truly, faithfully, and without *particularly* to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission hereto annexed, upon the interrogatories now or which may hereafter before the said commission is closed be produced to and left with you by either of the said parties. So help you God.

Clerk's oath.

You shall truly and without partiality to any or either of the parties in this cause, take, write down, and transcribe the depositions of all and every the witness and witnesses produced before and examined by the commissioners named in the commission hereto annexed as far forth as you are directed and employed by the said commissioners to

take, write down, and transcribe the said depositions or any of them. So help you God.

CHARLES PETER STEPHEN WANTE
vs.
MESSONIER and others.

Interrogatories to be propounded to witnesses produced by the plaintiff in this cause.

First. Did you know the late Henry Messonier, and are you acquainted with the plaintiff?

Second. Did you or did you not, together with said Messonier, as attorneys of the plaintiff Wante, convey to a certain Louis Pascault, forty-five thousand one hundred and thirty-eight arpens of land on Ouachita, territory of Orleans, (now State of Louisiana,) the property of said plaintiff, and part of a parcel of one hundred and twenty thousand arpens conveyed to said plaintiff by Edward Livingston? What was the object of said conveyance, and did or did not said Pascault convey the said land to said Messonier; is or is not the said land, that mentioned in the bill of complaint in this cause as conveyed to said Pascault.

Third. Did or did not you and said Messonier, as attorneys aforesaid convey all of the said one hundred and twenty thousand acres, excepting the said part conveyed to Pascault, and another part of twenty thousand arpens conveyed to one Carbonet, to Samuel McKean; if yea, what was the object of said conveyance, and what conveyances did said McKean afterwards make of the land so conveyed to him; are or are not the conveyances you now speak of those to and from McKean, which are mentioned in the bill of complaint in this case; what was the object and consideration of said McKean's conveyances?

Fourth. Do you know anything further material for the plaintiff in this cause?

CHARLES F. MAYER,
Plaintiff's attorney.

CHARLES PETER STEPHEN WANTE
vs.
JOHN CARRERE, EDURE DUCATEL, and others. } In chancery.

By virtue of the annexed commission issued out of the high court of chancery of Maryland, to William Magneder and George W. Nabb, directed, empowering them to examine evidence, in the above cause; we, William Magneder and George W. Nabb, having met on Saturday, the second day of November, eighteen hundred and thirty-three, and given notice to the solicitors of the parties, did appoint the said second day of November, at the office of Charles F. Mayer, esquire, in the city of Baltimore, to examine evidence in the said cause on the part of the complainant.

On which 2d day of November, 1833, the commissioner met at the place appointed, and the following depositions were taken on the part of the complainant.

John Carrere, a witness, of lawful age, produced and *sworned* and examined on the part of the complainant, to the interrogatories propounded, deposeth and answereth as follows:

1. To the first interrogatory he answers, that he knew the late Henry Messonier, and is acquainted with the plaintiff.

2. To the second interrogatory he answers, that this defendant, together with said Messonier, as attorneys of the plaintiff, Wante, did convey to a certain Louis Pascault forty-five thousand one hundred and thirty-eight arpens of land on Ouachita territory of Orleans, (now State of Louisiana,) the property of said plaintiff, and part of a parcel of one hundred and twenty thousand arpens conveyed to said plaintiff by Edward Livingston. The object of said conveyance to said Louis Pascault was secure to said Henry Messonier a claim which he had against said Wante, and the said Pascault did convey the said land to said Messonier; the said land is the same as that mentioned in the bill of complaint in this cause as conveyed to said Pascault, and it is the same that was subsequently conveyed to said Pascault *to* said Messonier, as stated in said bill of complaint.

3d. To the third interrogatory he answers, that this deponent and said Messonier, as attorneys aforesaid, did convey all of the said one hundred and twenty thousand acres or arpens, excepting the said part conveyed to Pascault, and another part of twenty thousand arpens conveyed to one Carbonnet to Samuel McKean. The object of said conveyance to said McKean was that said McKean might afterwards convey it to them, to be held by them and appropriated to the payment of any debts against said Wante which might appear; said McKean made two conveyances, one to this deponent of twelve thousand five hundred arpens, to satisfy a debt due by said Wante to this deponent, (which twelve thousand five hundred arpens were subsequently sold by deponent to Stephen Girard,) and one other conveyance to Henry Messonier and this deponent for forty-two thousand three hundred and sixty-two arpens, as appears by exhibit A, herewith filed by this deponent as part of his answer to this interrogatory, which last conveyance was held by this deponent and said Messonier in trust for Wante, tho' absolute in its terms, the object of said last conveyance being only to pay any claims against Wante which said Wante might direct them to pay, and it was altogether for his benefit. The said two conveyances are the same as those mentioned in the bill in this cause.

4. To the fourth interrogatory he answers, that he knows nothing further.

Francis Messonier, a witness of lawful age, produced, sworn, and examined on the part of the complainant, to the interrogatories propounded to him, deposeth as follows:

1. To the first interrogatory he answers, that he knew Henry Messonier, who was deponent's uncle, but does not know said Wante.

2. The second interrogatory was waived.

3. To the third interrogatory he answers, that all that he knows of the matters inquired of is that he has often heard his uncle, the said Henry Messonier, say, that the land held by him and the said John Carrere, under a deed from Samuel McKean, for forty-two thousand three hundred and sixty-two arpens, in the parish of Ouachita, in the State of Louisiana, and mentioned in the bill of complaint in this cause, was held by him and said Carrere, in trust for said Wante, and belonged to said Wante.

4. To the fourth interrogatory he answers, that he knows nothing further.

The commission was then closed.

In witness whereof we have hereunto set our hands and affixed our seals, on this fourth day of November, eighteen hundred and thirty-three.

WM. MAGNEDER, [SEAL.]
GEO. W. NABB. [SEAL.]

Complainant's exhibit A.

Filed 2d November, 1833, and referred to by John Carrere, in his answer to the third interrogatory of the complainant.

WM. MAGNEDER,
GEO. W. NABB,
Commissioners.

UNITED STATES OF AMERICA,
State of Maryland, to wit:

Be it known and remembered, that on this twentieth day of May, in the year of our Lord one thousand eight hundred and eleven, and of the independence of the United States the thirty-fifth, before me, Samuel Sterett, notary public by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State aforesaid, personally came and appeared Samuel McKean, of the said city of Baltimore, merchant, of the one part, and Henry Messonier and John Carrere, of the said city, merchants, of the other part. And the said Samuel McKean, for and in consideration of the sum of six thousand three hundred and fifty-four dollars, money of the United States to him in hand well and truly paid by the said Henry Messonnier and John Carrere, at the time of signing these presents before me, the said notary, the receipt of which sum of money he, the said Samuel McKean, doth hereby acknowledge, hath granted, bargain[ed], and sold, aliened, enfeoffed, released, convey[ed,] and confirmed, and by these presents doth grant, bargain, *sold*, alien, enfeoff, release, convey, and confirm, unto the said Henry Messonier and John Carrere, their heirs and assigns forever, as tenants in common, and not as joint tenants, all that certain tract and parcel of land situate, lying, and being in the county

of Ouachita and territory of Orleans, the same being part of a grant of land known by the name of Bastrop large concession," in Ouachita, as aforesaid, and by survey bearing date on the thirtieth day of November, eighteen hundred and eight, executed by Henry Cassidy, deputy surveyor of the said county, containing one hundred and twenty thousand arpens of land, French measure; which said tract or parcel of land, with all and every the appurtenances belonging and appertaining, was granted and conveyed to Stephen Wante by Edward Livingston, esquire, of the city of New Orleans, in and by an act or instrument of conveyance duly made, done, and executed in the city of New Orleans, on the thirteenth day of February, eighteen hundred and nine, and which said tract or parcel of land, save and except as is hereinafter mentioned, has been lately granted and conveyed to the said Stephen Wante to the said Samuel McKean, that is to say, save, except, and always reserved out of the grant and conveyance, so as aforesaid made by the said Stephen Wante, and hereby intended to be made, three several parcels or parts of the said one hundred and twenty thousand arpens of land, the said three parcels amounting in the whole to the quantity of seventy-seven thousand six hundred and thirty-eight arpens of land heretofore sold by the said Stephen Wante, as follows, to wit: One undivided parcel of twenty thousand arpens to a certain Jacques Carbonet; one other parcel, containing forty-five thousand one hundred and thirty-eight arpens, lately granted and conveyed to Louis Pascault, by an instrument of conveyance, bearing date in December now last past, and therein described by metes and bounds, courses and distances; and lastly, another parcel, containing twelve thousand five hundred arpens, lately by another instrument of conveyance, bearing even date with the one last above mentioned, granted and conveyed to the said Samuel McKean, party to these presents, and therein likewise described by metes and bounds, together with all and singular the house and houses, other buildings and improvements upon the hereby granted land erected and made, and all and singular the lanes, alleys, ways, roads, paths, passages, waters, water courses, streams, woods, underwoods, mines, quarries, rights, liberties, privileges, hereditaments, and appurtenances whatsoever, thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, use, trust, possession, property, claim, and demand whatsoever, both at law and in equity, of the said Samuel McKean, in and to the same. To have and to hold all and singular the lands and premises above mentioned, hereby granted, bargained, sold or conveyed, or meant, mentioned, or intended so to be, and every part and parcel thereof, with the appurtenances (save and except as is above excepted) unto them, the said Henry Messonnier and John Carrere, their heirs and assigns, as tenants in common, and not as joint tenants, to the only proper use and behoof of the said Henry Messonnier and John Carrere, their heirs and assigns forever; and to, for, and upon none other use, trust, intent, or purpose

whatsoever. And be it also known and remembered, that on the day and year first above mentioned, the said Samuel McKean, for himself, his heirs, executors, and administrators, before me, the said notary, did covenant, promise, declare, and agree, to and with the said Henry Messonnier and John Carrere, their respective heirs and assigns, that he, the said Samuel McKean and his heirs, shall and will, at all times hereafter, upon the reasonable request, and at the proper costs and charges of the said Henry Messonnier and John Carrere, their respective heirs and assigns, make, do, execute, and deliver all and every such further and other lawful and reasonable acts, deeds, conveyances, and devices in the law, for the further, better, and more perfect assurance and confirmation of the said lands and premises, with the appurtenances hereby granted and conveyed (except as is above excepted) unto the said Henry Messonnier and John Carrere, their respective heirs and assigns, in manner aforesaid, as by them or their counsel learned in the law may or shall be reasonably advised, devised, or required.

In testimony whereof the said parties to these presents have hereunto severally set their hands and affixed their seals, in the presence of me, the said notary, and John Henry Hoskyns and Theophilus F. Dougherty, witnesses hereto required, who have signed their names, and also I, the said notary, have hereunto set my hand, and affix my notarial seal, on this twentieth day of May, in the year of our Lord one thousand eight hundred and eleven, and of the independence of the United States the thirty-fifth.

SAML. McKEAN, [SEAL.]
HENRY MESSONNIER, [SEAL.]
JOHN CARRERE. [SEAL.]

Witnesses—JOHN HY. HOSKYNS,
THEOPHILUS F. DOUGHERTY. [SEAL.]

Quod attestor: SAMUEL STERETT,
Notary Public.

OUACHITA, *sc.*

Produced by Henry Bry, esq., on behalf of the grantees, and ordered the same of record on the 13th day of July, 1812.

Attested: THOS. C. LEWIS,
Parish Judge.

STATE OF LOUISIANA,
Parish of Ouachita, sct.

I, the undersigned, parish judge in and for the said parish, duly authorized by law to record conveyances and other writings in my office, and to give the same due authenticity, do certify the within conveyance and officials endorsed is truly enregistered in my office, in liber C, folio .

In evidence whereof I hereto set my hand and seal of office
[SEAL.] this 13th day of July, 1812.

THOS. C. LEWIS, *P. J.*

The execution of this commission will appear from sundry schedules thereunto annexed.

WM. MAGNEDER,
GEO. W. NABB,
Commissioners.

And afterwards, on the 5th day of December, 1833, the parties filed in the cause an agreement, in the words following:

WANTE
against
CARRERE and others. } In chancery.

It is agreed that the above case be submitted to the chancellor forthwith, for his decision upon the pleadings and evidence taking, all objections being waived to the testimony of John Carrere. 27th November, 1833.

CHARLES T. MAYER,
Sol'r of plaintiff.
WILLIAM T. COLE,
Sol'r for defendant.

And afterwards, on the 9th day of December, 1833, the chancellor passed his decree in the said cause in the words following:

In chancery, December term, 1833.

CHARLES PETER STEPHEN WANTE, otherwise called Stephen Wante,
vs.
JOHN CARRERE, Edure Ducatel, Peter Chatard, Francis Messonnier, Daniel Messonnier, of Daniel, Joseph Messonnier, Lewis Messonnier, Daniel Messonnier, of (John James,) John Georges Messonnier, and Charlotte Depierre.

Decree

This cause standing ready for hearing, and being submitted, the bill, answers, exhibits, proofs, and all other proceedings, were by the chancellor read and considered.

It is thereupon, this 9th day of December, 1833, by Theodorick Bland, chancellor, and by the authority of this court, adjudged, ordered, and decreed, that the complainant, his heirs and assigns, shall hold, possess, and enjoy the land described in the bill and proceedings

as containing twenty-seven thousand three hundred and sixty-two acres or arpens, French measure, and claimed by him to be conveyed or assured to him as his estate, free, clear, and discharged of and from all claim, interest, and estate of the defendants, their heirs, executors, or administrators thereto or therein. And it is further adjudged, ordered, and decreed, that John Carrere, of the city of Baltimore, for himself, and as trustee for and on behalf of the other defendants, shall, by a good and sufficient deed, to be executed and acknowledged according to law, convey unto the complainant, his heirs and assigns, the land above described, free, clear, and discharged from all claim, interest, and estate of the defendants in this cause.

And it is further adjudged, ordered, and decreed that the defendant, John Carrere, and his heirs and assigns, shall hold, possess, and enjoy the land described in the bill and proceedings as containing fifteen thousand acres or arpens, French measure, more or less, free, clear, and discharged of and from all claim, interest, and estate of the complainant, and of the other defendants, their heirs, executors, or administrators thereto or therein.

THEODORICK BLAND, *Ch'r.*

And afterwards, on the 10th day of December, 1833, Charles F. Mayer, esquire, of counsel for the complainant, filed in said cause a paper containing the words following:

WANTE
vs.
CARRERE and others.

In chancery.

I do hereby, as agent of the plaintiff, Charles Peter Stephen Wante, confirm the allegations of the bill in this case, and the proceeding in behalf of said Wante, of Charles F. Mayer, as his solicitor, in claiming in this cause, as the part of the land containing one hundred and twenty thousand arpens, conveyed to him by Edward Livingston, remaining to him, the said Wante, the land *by* containing twenty-seven thousand three hundred and sixty-two arpens, French measure, in the bill mentioned, the residue of said whole tract of one hundred and twenty thousand arpens having (as said bill sets forth more particularly) become vested, in several parcels, in the late Henry Messonier and Stephen Girard, and John Carrere, and a certain Carbonet, respectively.

December 20, 1833. J. S. LAFITTE.

MARYLAND, *sct.*

I hereby certify, that the aforegoing is a true copy from the record of proceedings of the State of Maryland's court of chancery.

In testimony whereof I have hereto set my hand, and affixed
[SEAL.] the great seal of the said State, this sixth day of April, eighteen hundred and forty-nine.

LOUIS GASSAWAY,
Register, cur. can.

MARYLAND, *sct.*

I, John Johnson, chancellor of the State of Maryland, do hereby certify, that Louis Gassaway whose name is subscribed to the aforegoing certificate, is register of the court of chancery of the said State, that the said certificate and attestation are in due form, and that faith and credit ought to be given to the same.

Given under my hand, the great seal of the State having been first annexed to this paper, on the sixth day of April, 1849.

(Signed) JOHN JOHNSON, *Chancellor.*

And afterwards, at the May term, A. D. 1849, to wit, on the 11th day of June, 1849, was rendered and recorded on the minutes, and, on the 12th day of June, duly engrossed and signed, in the words following:

The judgment of the court.

May term, 1849. Monday, June 11th, 1849. Present, the honorable Theodore H. McCaleb.

EDWARD W. CARRERE et al.
vs.
THE UNITED STATES } No. 60.

This cause came on to be heard at the present term, to wit, on the 28th day of May last past, upon petition, and answer, and replication, depositions, exhibits, and proofs, and was argued by counsel, and submitted to the court.

And the court having maturely considered the same, and being satisfied from the evidence that, in the year 1796 and 1797, by the Baron de Carondelet, governor general of the province of Louisiana, then under the dominion of the crown of Spain, a concession or grant of twelve leagues square of land, situated on the waters of the river Ouachita and the bayous Bartholomew and Liard or Siard, and their branches, in the said province, was made to the Baron de Bastrop, a resident of the said province of Louisiana, which grant is commonly known as the Bastrop grant, and the metes and bounds whereof are designated, fixed, and defined in the map or figurative plan prepared and executed on the 14th June, 1797, by Don Carlos Trudeau, surveyor general of said province, and offered in evidence by plaintiffs on the trial of this cause; and being further satisfied that the petitioners, Edward W. Carrere, John Carrere, Augustus Carrere, R. Carrere Brent, Mrs. Theresa Carrere McKenzie, and Mrs. Frances E. Carrere Spear, are the true and legal owners, by title regularly derived from the said Baron de Bastrop, of a portion of the lands claimed by them in their petition, to wit, of a tract of fifteen thousand arpens.

And being satisfied that said grant to Baron de Bastrop now is and was a good and valid grant made in due form and by the proper authorities, under the Spanish government, to the said Bastrop, and that

the same is protected and secured to him as his private property by the treaty made between the United States and the French Republic, on the 30th of April, 1803, as well as by the laws of nations and the Constitution and the laws of the United States:

Now, this court acting under and by virtue of the act of Congress of May 26th, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims."

And also an act approved June 17th, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama, south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed, that the petitioners, Edward W. Carrere, John Carrere, Augustus Carrere, R. Carrere Brent, Mrs. Theresa Carrere McKenzie, and Mrs. Frances E. Carrere Spear, are the true and lawful owners of, and have good title against the United States, the defendants, in and to that certain tract of fifteen thousand arpens, referred to in their amended bill as being particularly set forth and described in exhibit C, thereto annexed; which said tract is marked, fixed, and defined by metes and bounds, as follows:

All that part of the same tract, or parcel of land, which is bounded northeasterly by the south thirty-eight degrees east line of the whole survey or tract of one hundred and twenty (120,000) thousand arpens, conveyed by Edward Livingston to C. P. S. Wante; southeasterly, by that part of the same tract sold by said Wante to Carbonnet; northwesterly by that part thereof conveyed by Henry Messonnier and John Carrere to Lewis Pascault, (the same being conveyed by them, as attorneys in fact of said Wante;) and southwesterly by a line parallel to the aforesaid south thirty-eight degrees east line or course of the whole tract or survey of 120,000 arpens aforesaid.

It is further ordered, adjudged, and decreed, that, in case said lands so claimed by the petitioners, and confirmed to them by this decree, or any part or portion thereof, shall have been sold, or otherwise disposed of, by the United States, said petitioners shall be, and they are hereby, authorized to enter in any land office of the United States in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands, after the same shall have been offered at public sale.

Judgment rendered 11th June, 1849.

Judgment signed 12th June, 1849.

(Signed) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And further, at the same term, and on the said 12th day of June, A. D. 1849, was moved for in open court, granted, and duly recorded, the following order of appeal:

May term, 1849. *Tuesday*, 12*th June*, 1849.

Present, the hon. Theo. H. McCaleb.

EDW'D W. CARRERE et al.
vs.
THE UNITED STATES. } No. 60.

On motion of Logan Hunton, attorney of the United States for the district aforesaid, and of Thomas J. Durant, on the same behalf, and on giving the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court rendered against them at this term, in the matter of Edward W. Carrere et al. vs. the United States, and desire to appeal therefrom:

It is thereupon ordered by the court, that an appeal be allowed in favor of the United States from the judgment aforesaid, returnable to the Supreme Court of the United States, at the next term thereof after the date of this order.

And on the 27th October, 1849, was filed by the parties, in the clerk's office, the following agreement, adjourning return day of appeal. And on the 14th October, 1850, was the same renewed, as hereinafter appears:

Eastern district of Louisiana, U. S. district court.

EDWARD W. CARRERE et al.
vs.
THE UNITED STATES. } No. 60.

Land docket.

It is herein agreed between the parties plaintiff and the defendants, that the return day of the appeal hitherto granted said defendants, and now of record, and made returnable on the first Monday of December, 1849, into the Supreme Court of the United States, be, and it is hereby, by mutual consent and understanding, extended until the first Monday of December, 1850, or the term of the said Supreme Court next after that opening, on the first Monday of December next.

(Signed) J. W. GURLEY,
Of counsel for plffs.
" L. HUNTON,
U. S. attorney.

New Orleans, October 27th, 1849.

Attest: (Signed) ROB'T. M. LUSHER,
Dy. clerk.

New Orleans, October 14th, 1850. By mutual consent, the return day of the appeal above mentioned is further extended until the December term, 1851, of the Supreme Court.

(Signed) J. W. GURLEY,
Attorney for plaintiffs.
L. HUNTON,
United States attorney.

And finally, on the 3d November, 1851, was filed the following

"Agreement as to transcript."

EDWARD W. CARRERE et al.
vs.
THE UNITED STATES. } No. 60.

In the district court of the United States, for the district of Louisiana.

In this case it is agreed, that, in making up the record of appeal for the Supreme Court of the United States, only the documents actually filed with the petition or on trial shall be copied into the record. The documents and testimony used and on file in the suit of the Mayor, Aldermen, and Inhabitants of New Orleans and Philadelphia vs. the United States, No. 21, of the land docket of this court, shall be used in said Supreme Court as if actually copied into the record of this cause, and shall be held and taken as part thereof; the copying of the same into the record of the case being dispensed with by this agreement.

(Signed) J. W. GURLEY,
Attorney for plaintiffs.
LOGAN HUNTON,
United States attorney.

New Orleans, November 1st, 1851.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing sixty-seven folios, inclusive of the plats or diagrams on folios 4 and 37, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, (quasi,) wherein Edward W. Carrere et al. are complainants, and the United States of America (appellants) are defendants, No. 60 of the land docket of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this twenty-second day of November, one thousand eight hundred and fifty-one, and seventy-sixth year of American independence.
[SEAL.]

N. R. JENNINGS, *Clerk*,
By ROBT. M. LUSHER,
D'y clerk U. S. district court, eastern dist. of Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who, by Robert M. Lusher, his duly and legally appointed and qualified deputy, subscribed the above certificate, was, at the time of